

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION**

SUBODCHANDRA T. PATEL,

Plaintiff,

v.

JANET BREWTON,

Defendant.

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**6:12-cv-105**

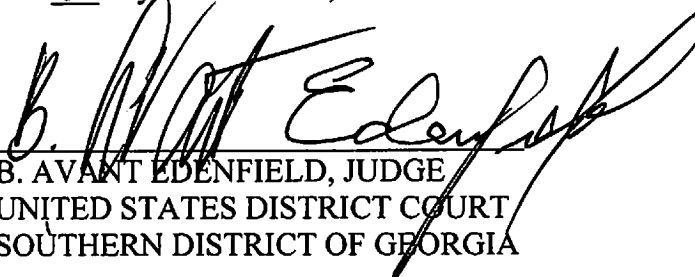
**ORDER**

Before the Court is the Magistrate Judge's Report and Recommendation ("R&R"), ECF No. 44, to which objections by both parties have been filed. ECF Nos. 46; 51. After a de novo review of the record, the Court concurs with the R&R—and thus overrules Subodchandra Patel's objections—insofar as it dismisses Patel's (1) claims against Brian Owens and Bruce Chatman; (2) conspiracy claims; and (3) cause of action for deprivation of property. The Court also concurs with the R&R's refusal to dismiss Patel's access to courts and retaliation claims, thus overruling Brewton's objections.

Brewton, however, raises an issue in her objection to the R&R that merits closer attention. In his motion to amend the amended complaint, which the R&R granted, Patel asserts new claims for violations of his due process, equal protection, Seventh Amendment rights. *See* ECF No. 34 at 5. The R&R, which purports to conduct the frivolity review required by 28 U.S.C. § 1915A, never addresses those claims at all, very likely because the Magistrate Judge believed the motion to amend the amended complaint "only corrects certain items in Plaintiff's Amended Complaint and does not set forth any additional claims." ECF No. 44 at 1. Because

the granted motion to amend in fact contains new claims, the Court **REFERS** Patel's amended complaint—minus the claims dismissed by this Order's adoption of the R&R—to the Magistrate Judge for him to once again conduct the required § 1915A review.

The 11 day of December, 2013

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA